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MAILED
JUL 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Dimitrios MANOUSSAKIS et al	:	
Application No. 10/664,715	:	DECISION ON PETITION
Filed: September 18, 2003	:	
Attorney Docket No. P-5808	:	

This is a decision on the petition, filed May 13, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of December 02, 2010, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before February 02, 2011.

Petitioner request that the Notice of Abandonment mailed on April 25, 2011, be withdrawn. Petitioner asserts that an Appeal Brief along with a five (5) month extension of time as permitted under 37 CFR 1.136 was not due to be filed until May 29, 2011.

A review of the file indicates that an Appeal Brief along with a five (5) month extension of time was not due to be filed in the Office until July 02, 2011. The Office acknowledges the Appeal Brief filed May 31, 2011 along with a four (4) month extension of time which extends the time period to June 02, 2011 which renders the reply timely if received.

Here, the mailing of the Notice of Abandonment by the Primary Examiner in charge of the application is on its face erroneous as to the substance and form. The Office regrets the error. The present application is not in fact abandoned. Patent rules clearly provide for extension of times under 37 CFR 1.136b file to an Appeal Brief. Petitioner has timely filed a four (4) month extension of time and an Appeal Brief. Accordingly, the Notice of Abandonment is withdrawn and the application is restored to pending status.

Telephone inquiries concerning this decision should be directed to the Michelle R. Eason at (571) 272-4231.

This application is being referred to Technology Center AU 1773 for appropriate action in the normal course of business on the Appeal Brief filed May 31, 2011.

A handwritten signature in black ink, appearing to read 'Thurman K. Page', with a stylized, flowing script.

Thurman K. Page
Petitions Examiner
Office of Petitions